From: <Oda.Terry@epamail.epa.gov>
To: <robej@rb9.swrcb.ca.gov>
Date: 8/3/02 6:26PM
Subject: SANTA MARGARITA RIVER

John - I know that your staff is continuing their efforts to renew the permit for Rancho California and there may also be some issues related to Eastern, although at this time, I am not sure of the status of Eastern's deliberations. So I thought I would take this time to reiterate, if not clarify what we discussed during our conference call about 2 months ago. Since it may not be apparent, let me clearly state that EPA is supportive of your goals of using reclaimed water to support, if not enhance the habitat and beneficial uses of the SMR. We believe that this is a necessary element of water resource management in our water short region. Our concern is that it be done in a way that will ensure that the habitat and beneficial uses are protected and not sacrificed in the name of water resource management. We sincerely believe that this is doable.

Here are my comments:

1. The permits must be consistent with the regional board's basin plan. With respect to nutrients, the basin plan establishes numeric goals for total phosphorous (0.1 mg/l total P for streams) with nitrogen levels being determined by a site-specific N:P ratio, or by a default ratio of 10:1. The basin plan also provides for alternative effluent limitations and methods of compliance for reclaimed water discharges to the extent they are coupled with mitigation measures and a river monitoring and management program. These alternative approaches and associated requirements were the heart of the permit issues we debated about 10 years ago. What the permit for Rancho and Eastern should contain is a regional board matter, but the permits must be rationalized and defended as being consistent with the basin plan and the Clean Water Act (CWA) and its implementing regulations. So it is not a matter of what "Terry Oda wants" (as someone stated during the conference call), but what is required to be consistent with the letter and intent of the basin plan and the CWA. As an example, without getting into specifics, we believe that the expiring (expired?) Rancho permit may not be fully consistent with the basin plan. The monitoring program specified in the permit does not seem to be adequate for assessing water quality impacts and, thus, whether the beneficial uses are being protected. The regional board's basin plan, generally, requires a lot more than has been included in Rancho's permit.

2. Site-specific nutrient criteria should be developed for the SMR. Eastern asked about the certainty of future permit requirements. I am sure that Rancho has the same question. I do not believe that reliance on the alternative approaches in the regional board's basin plan provides that future certainty. It provides certainty only to the extent that the available data can demonstrate on a continual basis that the beneficial uses throughout the SMR basin are being protected. This would require continued comprehensive monitoring of the watershed and certainty is assured only until the next set of conflicting data or interpretation. In my opinion the only way to provide assurance that

future requirements will not change is to have a sound scientific water quality criteria upon which to make decisions. Therefore, my pitch to develop site-specific nutrient criteria for the SMR. Once nutrient criteria are developed, the logical next step would be to develop a TMDL and waste load allocations. This would provide the regulatory certainty that Eastern and Rancho are seeking.

As you know, there is an on-going region wide and CA wide effort to develop nutrient criteria, in lieu of the national criteria that were recently adopted. The result of this effort will be state and/or site specific criteria. The work group is being led by Suesan Saucerman of my office, and include states, as well as non-regulatory third party participants. Your regional board is well represented on the workgroup by Lisa Brown. While we have only limited funds to implement the CA and regional workplan, we are willing to provide whatever assistance we can to accelerate the work for the SMR, such as analyzing available data or providing guidance in establishing a monitoring program. If we knew that this is the direction that the regional board and SMR stakeholders would like to pursue, we could seek additional support, although we can not promise what support we will able to provide. In fact, you and the SMR stakeholders should consider applying for funding under the national Watershed Initiative which has about $20 million to distribute for watershed projects. I believe there is still time to submit an application. If you wish, you can obtain more information on the initiative through the website at http://www.epa.gov/owow/watershed/initiativefs.html.

In closing, I would to thank you, Rancho and Eastern for inviting us to participate in these deliberations. Feel free to share this with the stakeholders. Let me know if we can be of further assistance. I will be on vacation through 8/19, but Janis Gomes will be available. She can be reached at 415/972-3517.

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From: <Oda.Terry@epamail.epa.gov>
To: John Robertus <robej@rb9.swrcb.ca.gov>
Date: 8/21/02 9:52AM
Subject: Re: SANTA MARGARITA RIVER

John - I have reluctantly returned from vacation and beginning to catch up on emails. One point on the "mass balance," I don't think the river system "uses up" the nutrients, especially phosphorous. Whatever nutrients enter the system leaves only through withdrawals and ultimate discharge to the ocean. The difference between what enters and leaves are taken up for plant growth and are retained and cycled in the system through growth and decay. Ultimately some of the nutrients taken up in this manner would leave the system as plants and decayed material are washed into the ocean during winter storms when the river flows are high. However, during the summer when biological activity is high and river flow is low, nutrient enrichment would lead to excessive growth and decay, which would result in adverse effects, such as depletion of dissolved oxygen, which in turn would adversely affect aquatic life use. This is the concern. Are these effects occuring in the SMR? Are there sufficient data to assess these effects? Having scientifically based water quality criteria would provide a benchmark for making these assessments and for setting water quality-based limits or TMDLs. Let me know if we can help in any way.

John Robertus
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08/06/2002 09:54 AM

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cc: John Richards <JRichards@exec.swrcb.ca.gov>, David Barker <barkd@rb9.swrcb.ca.gov>, Chiara Clemente <clemc@rb9.swrcb.ca.gov>, Art Coe <coea@rb9.swrcb.ca.gov>, Mike McCann <mccam@rb9.swrcb.ca.gov>, John Robertus <robej@rb9.swrcb.ca.gov>
Subject: Re: SANTA MARGARITA RIVER

Terry,
Thanks for your memo. It is very helpful as we try to proceed with our next step.
I think we need to include several goals in mind as we work with Eastern, Rancho and the USMC Base. I think the key to the overall river nutrient loading lies in a "mass balance" analyisis approach. We will need to know how much nutrient load is occuring and from where and to where that load goes. It is either "used up" by the river system, removed in water withdrawals at the Base for potable or AG use, or it is discharged into the ocean at the mouth of the river. For any nutirents that do not get removed from the system by one of these mechanisms, we must assume they are retained in the system and will create a "sink"

that will cause eventual impairments in the surface or ground waters. One action that needs to be done ASAP is to get the Base discharge from Plant 13 out of the river estuary to the Oceanside ocean outfall. I think all the ingredients are possible to accomplish a site specific nutrient objective but we can not know what the economic incentives and ultimate committent are for the dischargers to press on. I am going to elevate this matter to my Branch heads, David Barker and Mike Mccann to oversee. This is truly a combined Basin Planning, NPDES and TMDL concern. It also involves Region 8 to our north.
Thanks again for your feedback. JHR

"The energy challenge facing California is real. Every Californian needs to
take immediate action to reduce energy consumption. For a list of simple
ways you can reduce demand and cut your energy costs, see our Web-site at http://www.swrcb.ca.gov ."

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